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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

LHF PRODUCTIONS, INC., Plaintiff, vs. DOES 1- 23, Defendants. DOES 1-30, Consolidated Defendants	Civil Action No. 2:16-CV-00860-DBP Magistrate Judge Dustin B. Pead EX PARTE MOTION FOR LIMITED EXTENSION OF TIME FOR SERVICE PURSUANT TO FRCP 4(m) AS TO CERTAIN DEFENDANTS
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Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff LHF Productions, Inc. moves the court for a limited, further extension of time for service.

A. Statement of Basis for Relief and Relief Requested.

Attempts to serve some defendants have not yet been successful. LHF has diligently communicated with many identified defendants. Some defendants have been unresponsive to communications from counsel. Some defendants are exchanging settlement terms with counsel. LHF is seeking settlement with all identified defendants.

LHF seeks a limited, two-week extension of time to serve certain defendants, namely John and Marilu Bohannon, Robin Jensen, Ron Ludlow, Jeffrey Horne and James Hall.

B. Facts and Argument Establishing Good Cause to Extend Time for Service

This action was filed on August 4, 2016 with a motion for expedited discovery to identify Doe defendants. The motion for expedited discovery was granted Friday, August 5, 2016. On Monday, August 8, 2016, counsel diligently issued a subpoena to the respective Internet Service Providers seeking the identifying subscriber information for the designated Doe defendants 1-23.

Due to internal policies of the Internet Service Providers allowing the subscribers to object to the release of their identifying information, the Internet Services Providers for the majority of the defendants were unable to respond to LHF's subpoenas for at least thirty days. Eighteen (18) of Defendant Does 1-23 were Comcast subscribers. LHF did not receive responses from Comcast until September 14, 2016.

After receiving identifying subscriber information, LHF has promptly written letters to, exchanged emails with and/or spoken via telephone with each identified defendant seeking to resolve this case without formal proceedings. A number of defendants have already resolved the matter. Other defendants are in the process of negotiating settlement. Still other defendants have not responded to attempts to resolve the matter without formal proceedings. A few defendants could not be located for service during the recent holidays.

LHF continues to attempt to resolve the matter quickly as to all defendants. Due to delays in receiving communication from certain defendants and difficulties in service during the recent holidays, and because LHF is attempting to resolve the matter as to all identified defendants so this action may be closed as quickly as possible, good cause exists for a limited extension of the time for service as to certain defendants.

Specifically, LHF requests a further, limited, two-week extension of time in which to serve certain defendants, namely, John and Marilu Bohannon, Robin Jensen, Ron Ludlow, Jeffrey Horne and James Hall. A previous sixty-day extension of time was granted for all defendants. LHF respectfully requests that this limited motion be granted.

DATED this 4th day of January, 2017.

KIRTON McCONKIE

By: /s/Todd E. Zenger
Todd E. Zenger

Attorneys for Plaintiff
LHF PRODUCTIONS, INC.